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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/516,790

12/03/2004

Micael Blomquist

821-63

7345

7590 04/19/2007  
Dilworth & Barrese  
333 Earle Ovington Boulevard  
Uniondale, NY 11553

EXAMINER

TRAN, BINH Q

ART UNIT

PAPER NUMBER

3748

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/516,790

Applicant(s)

BLOMQUIST, MICHAEL

Examiner

BINH Q. TRAN

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01/19/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This office action is in response to the amendment filed January 19, 2007.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

*Claims 12-31 are rejected under 35 U.S.C. 102 (e) as being anticipated by Tonetti et al. (Tonetti) (Patent Number 6,666,020).*

Regarding claims 12, 18, and 20, Tonetti discloses a device for purifying exhaust gases from a combustion engine (2), comprising an arrangement (e.g. 8, 39) for recirculating exhaust

Art Unit: 3748

gases from the engine to an air intake (e.g. 10, 11) thereof, a valve device (40) controlled by a control device (9) for regulating the relation between fresh air and recirculated exhaust gases supplied to the engine, a regenerable filter (37) adapted to catch particulate constituents of the exhaust gases, and means for recording the temperature of the exhaust gases from the engine (e.g. See col. 5, lines 30-67; col. 6, lines 1-14), the control device (e.g. 9) being adapted to be supplied with temperature information from said temperature recording means (e.g. 43, 44), wherein the control device (9) is adapted, with the aid of said temperature information and the valve device (40), to regulate the relation between fresh air and recirculated exhaust gases supplied to the engine to achieve a relation between NO<sub>x</sub> and soot of the exhaust gases from the engine that is favorable for regeneration of the filter (37) (e.g. See col. 9, lines 1-67; col. 10, lines 1-30; col. 11, lines 47-49).

Regarding claims 13, and 19, Tonetti further discloses that the control device is adapted, with the aid of said temperature information and the valve device, to regulate the relation between fresh air and recirculated exhaust gases supplied to the engine so that regeneration of the filter will take place at prevailing temperature level of the exhaust gases (e.g. See col. 9, lines 1-67; col. 10, lines 1-30; col. 11, lines 47-49).

Regarding claims 14, and 21, Tonetti further discloses means (e.g. 35, 36) for converting NO occurring in the exhaust gases into NO<sub>2</sub> (e.g. See col. 5, lines 15-57).

Regarding claims 15, and 22, Tonetti further discloses that the converting means comprises a catalyst (e.g. 35, 36) capable of converting NO into NO<sub>2</sub>, which is arranged upstream of the filter (37) (e.g. See col. 5, lines 15-57).

Regarding claims 16, and 23-24, Tonetti further discloses that the converting means comprises a catalytic material capable of converting NO into NO<sub>2</sub>, which material is integrated in the filter (e.g. See col. 5, lines 15-57).

Regarding claims 17, and 25-31, Tonetti further discloses that the filter comprises a catalytic material capable of lowering the temperature at which particulate constituents deposited in the filter are ignited and combusted (e.g. See col. 5, lines 15-57).

### ***Response to Arguments***

Applicant's arguments filed January 19, 2007 have been fully considered but they are not completely persuasive. Claims 12-31 are pending.

Applicant's cooperation in explaining the claims subject matter more specific to overcome the claim objections relating to indefinite claim language is also appreciated.

Applicants' s arguments with respect to claims 12-31 have been considered but are moot in view of the new ground(s) of rejection as discussed above.

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and consists of four patents:

Woollenweber et al. (Pat. No. 6062026), Kuenstler et al. (Pat. No. 6594990), Khair et al. (Pat. No. 5771868), and Shimoda et al. (Pat. No. 6338245) all discloses an exhaust gas purification for use with an internal combustion engine.

Art Unit: 3748

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Binh Tran whose telephone number is (571) 272-4865. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reach on (571) 272-4859. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT  
April 14, 2007



Binh Q. Tran  
Patent Examiner  
Art Unit 3748